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Attorneys for All Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

KEVIN RISTO, on behalf of himself
and all others similarly situated,

Plaintiff,

vs.

SCREEN ACTORS GUILD-
AMERICAN FEDERATION OF
TELEVISION AND RADIO
ARTISTS, a Delaware corporation; et
al.

Defendants.

Case No. 2:18-cv-07241-CAS-PLA

Class Action

**DECLARATION OF ANDREW G.
SULLIVAN IN SUPPORT OF
DEFENDANTS' OPPOSITONS TO
PLAINTIFF'S MOTIONS IN LIMINE**

Hearing Date: July 19, 2021

Hearing Time: 11:00 a.m.

Courtroom: 8D (Telephonic)

[Defendants' Opposition to Plaintiff's
Motions In Limine, filed concurrently.]

DECLARATION OF ANDREW G. SULLIVAN

I, Andrew G. Sullivan, declare as follows:

1. I am admitted to practice law in the State of California and am an attorney in the law firm of Jenner & Block, LLP (“Jenner & Block”), which serves as counsel of record for Defendants Screen Actors Guild-American Federation of Television and Radio Artists (“SAG-AFTRA”), American Federation of Musicians of the United States and Canada (“AFM”), Raymond M. Hair, Jr., Tino Gagliardi, Duncan Crabtree-Ireland, Stefanie Taub, Jon Joyce, and Bruce Bouton (collectively, “Defendants”). I submit this declaration in support of Defendants’ Oppositions to Plaintiff’s Motions in Limine. If called to testify, I could and would testify as to the following based on personal knowledge.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the expert report of Defendants’ expert witness David Nolte, served on Plaintiff.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts of the transcript of the deposition of David Nolte, which was taken on April 27, 2021.

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts of the transcript of the deposition of Stephanie Taub, which was taken on October 20, 2020.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts of the transcript of the deposition of Kevin Risto, which was taken on January 29, 2021.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts of the “Amended Responses of Defendant Stephanie Taub to Plaintiff’s First Set of Interrogatories.”

7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts of the transcript of the deposition of Julie Sandell, which was taken on December 9, 2020.

1 8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts
2 from the rough transcript of the deposition of Julie Sandell, which was taken on
3 June 29, 2021. This transcript has not yet been finalized or otherwise certified by
4 the court reporter who produced it. I was present at this deposition and attest that
5 the excerpted portions accurately reflect the substance of Ms. Sandell's relevant
6 testimony.

7 9. Attached hereto as **Exhibit 8** is a true and correct copy of Defendants'
8 Privilege Log.

9 10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts of
10 the transcript of the deposition of Duncan Crabtree-Ireland, which was taken on
11 February 16, 2021.

12 11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts of
13 the transcript of the deposition of Ray Hair, which was taken on February 24, 2021.

14 12. Attached hereto as **Exhibit 11** is a true and correct copy of Plaintiff's
15 Subpoena to Patricia Polach, dated October 22, 2020.

16 13. Attached hereto as **Exhibit 12** is a true and correct copy of Plaintiff's
17 Subpoena to Bredhoff & Kaiser, PLLC, dated October 22, 2020.

18 14. Attached hereto as **Exhibit 13** is a true and correct copy of a letter from
19 Mariana A. McConnell to Defendants regarding discovery of communications with
20 Patricia Polach, dated December 24, 2020.

21 15. Attached hereto as **Exhibit 14** is a true and correct copy of the expert
22 CV of Defendants' expert witness David Nolte, served on Plaintiff.

23 16. I supervised the collection and production of documents from the Fund
24 in response to the Plaintiff's requests for production of documents in this action. In
25 response to discovery requests from Plaintiff, Defendants have produced all non-
26 privileged documents relating to the preparation of the 50-song exercise (totaling
27 more than 400 documents). Plaintiff had the opportunity to depose Ms. Sandell on
28 June 29, 2021, regarding this subject as the Court directed.

1 17. On March 6, 2021, Defendants produced documents summarizing the
2 results of the 50-song exercise managed by Julie Sandell, identified with Bates label
3 DEFS_00042027.

4 18. Plaintiff had the opportunity to depose Defendants' expert, David
5 Nolte, on April 27, 2021, regarding the conclusions he drew from the results of the
6 50-song exercise managed by the Fund.

7 I declare under penalty of perjury under the laws of the United States of
8 America that the foregoing is true and correct.

9 Executed this 2nd day of July, 2021.

10
11 
12 Andrew G. Sullivan